

50196

COOPERATIVE AGREEMENT

THIS AGREEMENT, made this 7th day of January, 2003, by and between BEGRA PARTNERS, LLC, t/a Inluze, Retailer's Class CR License, App. No. 50196 (the Applicant), and ADVISORY NEIGHBORHOOD COMMISSION 2B (the ANC), and the other undersigned Protestants.

WITNESSETH:

WHEREAS, Applicant filed with the District of Columbia Alcoholic Beverage Control Board (ABC) an application for a Retailer's Class CR license, App. No. 50196 for premises 1753 Connecticut Avenue, NW, Washington, D.C.; and

WHEREAS, ANC 2B and the other undersigned have protested the issuance of the license; and

WHEREAS, the premises are within the jurisdictional boundaries of ANC 2B; and

WHEREAS, the parties desire to enter into an agreement commemorating certain understandings regarding the operation of said premises;

NOW, THEREFORE, the parties agree as follows:

1. Hours of Operation. The hours of operation shall be as follows:

Monday to Thursday	11 am open 10 pm stop taking orders 12 pm close-earlier if business is slow
Friday	11 am open 11 pm stop taking orders 1 am close
Saturday	9:30 am open 11 pm stop taking orders 1 am close
Sunday	9:30 am open 9 pm stop taking orders 10 pm close

2. Live Music and Dancing. There will be no dancing or disc jockeys. Unamplified live, acoustical music may be performed on Saturday from 12 to 5 pm and on Sunday from 1 to 4 pm. In the event there is a funeral at the churches in the neighborhood, then live music will not be played during the funeral. The church must notify the Applicant no later than Wednesday of the Saturday or Sunday funeral. Unamplified background music may be played during hours of operation.

3. Dumpster and Deliveries. Applicant will have a refrigerated garbage holder on the premises. Applicant will coordinate trash pickup and other deliveries so as to minimize the impact on the neighborhood.

4. Valet Parking. Applicant will provide valet parking on Friday and Saturday nights at a private garage. The parties shall meet at a later time to determine the best location for curbside valet

pick-up.

5. Employee Parking. Applicant will provide a minimum of three parking spaces for management personnel.

6. Windows, Doors, and Quces. Windows will remain closed except during routine cleaning or in emergency situations. Any qucs, customers awaiting seating or entering the establishment, shall be on the inside of the establishment. The entrance to the establishment for all patrons shall be on Connecticut Avenue at S Street. Other emergency exits may be required by code; these shall not be used outside of emergency situations.

7. Sidewalk Café. Applicant may have an unenclosed sidewalk café. The sidewalk café shall be limited to 36 seats, utilizing tables with a maximum of four top. The sidewalk café will close and be cleared of customers by 10 pm. Entrance to the sidewalk café shall be from inside of the premises only; such door shall remain closed except for the movement of customers and service staff. The applicant shall consult with the parties to select placement of the door which will be used for this purpose. There shall be no amplified or unamplified music at the sidewalk café.

8. Withdrawal of Protest. In consideration of, and in reliance upon the commitments reflected above, the ANC 2B and the Protestants do hereby withdraw their protest to the issuance of the Applicant's liquor license.

9. Show Cause. The parties agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ANC 2B or the Protestants to petition the ABC Board for issuance of an Order to Show Cause pursuant to 23 DCMR 1513.5.

IN WITNESS WHEREOF, the parties have herunto affixed their hands and seals on the year and day first above written.

APPLICANT:
BEGRA PARTNERS LLC

By

Michael Graham

PROTESTANTS:

By

Vince Micone, ANC 2B

Michael Megg

James

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Begra Partners, LLC
t/a Azul

Application for a Retailer's Class
CR License (new)
at premises
1753 Connecticut Avenue, N.W.
Washington, D.C.

Application No.: 50196-02/125P
Order No.: 2003-005

Michael Maggio, David Sayles, Nandita Chopra, Candace Kattar, Linda Bumbalo, David Cohen, Elise Knebe, Girin Beehary, Trevor William Bussell, Mark Dumas, Jonathan Kallmer, Esquire, Linda Lourie, Esquire, Peter Paris, Esquire, Dylana Blum, Esquire, Carlos Elizondo, Fann Harding, Aimee Christensen, Jeffrey Singer, Myra Singer, Irwin Raij, Esquire, Maureen Noonan and Vince Micone, on behalf of the Advisory Neighborhood Commission 2B, Protestants

Dimitri P. Mallios, Esquire, on behalf of the Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Oppen-Weiner, Esquire, Member
Audrey Thompson, Member

**ORDER ON WITHDRAWN PROTEST
AND VOLUNTARY AGREEMENT**

The application, having been protested, came before the Board on October 16, 2002 in accordance with the D.C. Official Code Section 601 (2000 Edition). Michael Maggio, David Sayles, Nandita Chopra, Candace Kattar, Linda Bumbalo, David Cohen, Elise Knebe, Girin Beehary, Trevor William Bussell, Mark Dumas, Jonathan Kallmer, Esquire, Linda Lourie, Esquire, Peter Paris, Esquire, Dylana Blum, Esquire, Carlos Elizondo, Fann Harding, Aimee Christensen, Jeffrey Singer, Myra Singer, Irwin Raij, Esquire, Maureen Noonan and Vince Micone, on behalf of the Advisory Neighborhood Commission 2B, filed timely opposition.

Begra Partners, LLC

t/a Azul

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The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated January 7, 2003, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Accordingly, it is this 15th day of January 2003, **ORDERED** that:

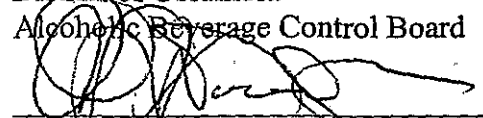
1. The opposition Michael Maggio, David Sayles, Nandita Chopra, Candace Kattar, Linda Bumbalo, David Cohen, Elise Knebe, Girin Beehary, Trevor William Bussell, Mark Dumas, Jonathan Kallmer, Esquire, Linda Lourie, Esquire, Peter Paris, Esquire, Dylana Blum, Esquire, Carlos Elizondo, Fann Harding, Aimee Christensen, Jeffrey Singer, Myra Singer, Irwin Raij, Esquire, Maureen Noonan and Vince Micone, on behalf of the Advisory Neighborhood Commission 2B is **WITHDRAWN**;


2. The application of Begra Partners, LLC t/a Azul for a retailer's class CR license (new) located at 1753 Connecticut Avenue, N.W., Washington, D.C. is **GRANTED**;

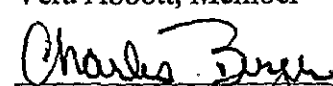
3. The above-referenced agreement between the parties is **INCORPORATED** as part of this Order; and

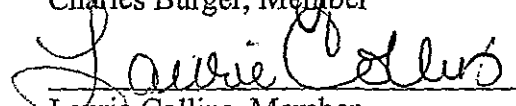
4. Copies of this Order shall be sent to the Protestants and the Applicant.

District of Columbia
Alcoholic Beverage Control Board


Roderic L. Woodson, Esquire, Chair

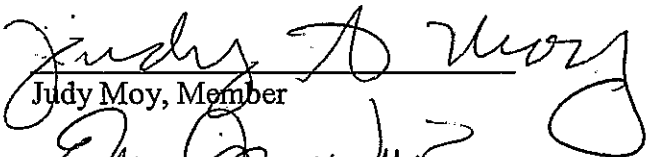

Vera Abbott, Member

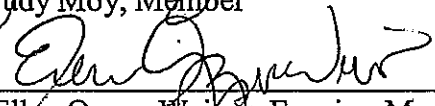

Charles Burger, Member

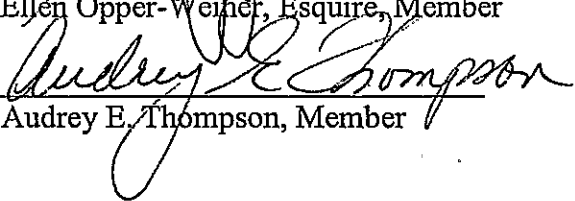

Laurie Collins, Member

Begra Partners, LLC
t/a Azul
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Date


Judy Moy, Member


Ellen Opper-Weiner, Esquire, Member


Audrey E. Thompson, Member